

Practitioner's Docket No. Kuta.T-01

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burden would be placed on the Examiner by considering both the instant apparatus and method since they are so inextricably related that any prior art that might be relevant to the present apparatus would naturally teach the present method as well, and any prior art that might be relevant to the present method would naturally teach how to make and use the present apparatus.

Further, the instant apparatus as defined is specifically designed for sanding polycarbonate plastic lenses which must be a water cooled process since significant heat is created and if not removed would soften and eventually melt the lenses. Therefore, the sander must be physically separated from the driver. This fact makes it clear that the method, using water spray, must be practiced using the described apparatus. The method is not applicable to other materials since it is designed particularly for polycarbonate plastic lenses of some size. For instance, the present method would not be used for cleaning or shaping polycarbonate or other plastic eyeglass lenses since a significantly greater precision is necessary.

Your applicant further describes the reasons why the present invention is novel, and further describes why the method and apparatus are inextricably connected in his letter to me of 7/12/07, which is made a part of this response by reference and attached hereto.

Since an election is hereby made, applicant believes that the present response is a full and complete response. Applicant requests that the examiner consider the traversal remarks presented and if they are convincing, to accept all of the present claims for examination in this application.

Respectfully,



Gene Scott, 37,930 Agent of record

Please direct all communications to: Customer Number: 22197

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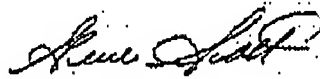
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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper (4 pages) is being facsimile transmitted to the Patent and Trademark Office at (571) 273-8300 on the date shown below:



August 14, 2007

Signature

Date

Gene Scott

Gene,

It sounded to me as though she has issues with both the method and the apparatus (the apparatus is only the tool end and does not include the motor or flex cable). A strong argument should be made. She didn't think the method was unique and it is, very much so... you need the apparatus to do the method. The parts that make up the apparatus cannot be acquired "off the shelf" in their entirety which makes the apparatus pretty unique too. The sanding discs are specifically designed for shaping polycarbonate ONLY and are not available in any store. Alternately, 3" round sanding discs, available in stores, wrinkle because they don't conform to the compound curved surfaces found on most headlights and cannot be used. The design of the sanding discs can ONLY be used with an oscillating action, like the apparatus, or mounted on stationary "ingots" as they are used in grinding optics. You put that all together, and they MUST be together, and... well... that oozes unique. Should we take "apparatus" out of the title?

When I started my business in March of 2003, I had two things in mind:

1. Plastic headlights are too expensive to expect that consumers could just buy new ones. Look in any parking lot anywhere in the country and you will see that damaged plastic headlights are not being replaced. The headlights on 1 out of 10 cars on the road are so badly damaged that they are inadequate for lighting the roadway at night. These vehicles are unsafe for their owners to drive not to mention unsafe for others sharing the same roadway. An affordable alternative to replacement was needed and my method provides this.

2. I became unemployable after my accident in April of 2001. I could not or would not sign up for Social Security Disability because I would likely go crazy. I needed something that I could do to make a living. I'm certain that others with similar disabilities would benefit as well by having some sort of low impact work to do. So that is what I set out to do... create a job for myself that would not do further damage... that would sustain me and possibly provide gainful employment to anyone willing to learn something new.

My method would be 100% useless without the apparatus and the apparatus would be 99% useless for any thing else (though you can use a toothbrush to clean the toilet... that would not be practical). I've been doing this for 4 years now and you have my professional guarantee that no one has more experience fixing headlight lenses than I have (VIN#'s for every vehicle I've worked on is available upon request) and I would not be able to make such a claim if not for the apparatus. I started out color sanding by hand and determined that this would NOT be practical. Hand sanding proved to be too difficult to do or to teach, too time consuming and IMPOSSIBLE to achieve consistent results. You would have real problems teaching others as the hand sanding method is more art than science. There are (were) no suitable wet / dry electric sanders available anywhere. There is one 9 1/2 lb. monster used to finish terrazzo floors which is too big and too heavy to use on headlights. Note that when there is a need or use for a special sander where nothing else would do (as in finishing terrazzo floors or creating a uniform headlight surface that can be polished to clarity) someone will create it. The apparatus contains a number of machined parts specifically engineered and created which are at the heart of it's functionality and are not available anywhere. I don't know what more needs to be said other than to point out that a high percentage of people, from all walks of life, will benefit from my creation... thousands already have here in Southern California. It would be a shame to squash this without a real careful look, see and listen. It's like nothing else.

Terry

p.s. you should send her a copy of this email.